Remarks/Arguments

Claims 1-16, 21, 23, and 24 are currently pending.

Claims 17-20 and 22 are cancelled.

Claim 1 is amended to define that the IP destination address and the second protocol destination address reside on different protocol layers. In addition, the Applicant has amended the claim to recite that the second protocol layer address is a destination address. Support for the amendment is found in the specification on page 11, line 1 to page 12, line 32, Fig. 7, and in other places.

Claim 2 is amended to recite the correction suggested by the Examiner.

Claim 4 is amended in accordance with the comments made by the Examiner.

Claim 5 is amended in accordance with the comments made by the Examiner. The "first network" term is replaced with the term "local network"

Claim 6 is amended by incorporating the elements of Claim 17 (now cancelled) into the claim to recite two different protocol layers. In addition, the Applicant has attempted to incorporate the comments of the Examiner into the claim. Specifically, upon the match of an IP address (in a first protocol layer), an IP packet is assigned a second protocol destination address (that resides in a second protocol layer). In addition, the Applicant has specified that the second protocol layer destination address corresponds to a specific application (see specification, page 14, Table I, and in other places).

Claim 7 is amended is accordance with the comments of the Examiner.

Claims 9 and 14 are amended to recite that a prior second protocol layer address was present in an IP packet before the second protocol layer destination address is used to substitute said prior address. Support for this amendment is found in the specification on page 11, lines 30-35, and in other places.

Claim 16 is amended in accordance with the amendment made to Claim 6.

Claim 21 is amended in accordance with the comments made by the Examiner.

There is no new matter added in view of these amendments.

I. 35 U.S.C. § 112, Second Paragraph Rejection

The Examiner rejected all of the currently pending claims (except Claim 24) as under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter which the applicant regards as the invention.

The Examiner stated for the independent claims that the Applicant, "fails to recite what those four addresses represent. It appears that comparing addresses broadly labeled as IP destination addresses and substituting a protocol layer address for a received second protocol layer address in response to comparing would not direct anything to anywhere. Certainly that is not the Applicants' invention".

Applicant, in view of the Examiner's comments, has amended several of the claims in order to further that prosecution of this case. Applicants however submit that the claims, however do clearly define an invention, and that one of the ordinary skill of the art would understand what is meant by terms such as "received IP packet destination address", "predetermined IP address", " a second protocol layer address", and " second protocol layer destination address", as used in Claim 1. In addition, Applicant submits that the specification of the invention specifies what these respective terms mean. Similarly, Applicant submits that the terms used in Claims 6 and 21 are capable of being understood by one skilled in the art and are properly defined in the Applicant's specification.

As for the other comments made by the Examiner, do not constitute a proper rejection under 112, paragraph 2. As stated in the section 2173.02 of the MPEP, the inquiry made by the Examiner is to consider:

"A) The content of the particular application disclosure;

B) The teachings of the prior art; and

C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made. "

The comments made about the claims by the Examiner such as, "comparing would not direct anything to anywhere," are difficult for the Applicant to respond to because the Applicant submits that the claims (as amended) do define a patentable invention, as required under 112, in view of the amendments and comments listed above.

If the Examiner is concerned about the clarity of the claim language used for defining the invention, the Applicant invites the Examiner (as listed in section 2173.02 of the MPEP) to suggest claim language that the Examiner views as an improvement over the present claims.

The Applicant requests that the Examiner remove the 112, second paragraph for the reasons listed above.

II. 35 U.S.C. § 103(a) Rejection

The Examiner rejected Claims 1-17, 21, and 23-24 under 35 U.S.C. § 103(a) as being unpatentable over Slemmer et al. (U.S. Patent # 6,377,990, after referred to as 'Slemmer'). Applicant disagrees with this rejection.

In response to the Applicant's remarks in the prior office action, the Examiner stated that, "Applicants fail to explain what the significant is on IP packet destination address being in a protocol layer different than the protocol layer of substituting address. Applicants fail to explain why it is a patentable distinct feature, see In re Nielson,"

The expectation that the Examiner places on the Applicant is not correct where the Applicant must explain "why" a claim element is a patentable distinct feature. Under 37 C.F.R. 111c, cited to by the Examiner, the Applicant, "in reply to a rejection of claims in an application or patent under reexamination, the applicant must or patent owner must clearly point out the patentable

novelty which he or she thinks the claims present in view of the of the state of the art disclosed by the references cited or the objections made."

For claim 1, Applicants submit the claimed elements of:

"redirecting a payload of said received IP packet from an Internet network to said local network in response to said address match by;

substituting a second protocol layer address, in a packet of said packetized data, for a received second protocol layer destination address corresponding to a destination accessed on said local network, where both the second protocol layer address and the received second protocol layer destination address reside in a second protocol layer" is not disclosed or suggested in the Slemmer reference.

As stated in the previous office action response, Slemmer does not disclose or suggest an operation of performing a substitution step where a "second protocol layer address" is substituted with a "received second protocol layer destination address", in view of a received IP packet destination address that matches a predetermined IP address. Claim 1, also claims subject matter that is not disclosed or suggested in Slemmer, as the substitution occurs in for addresses in a second protocol layer, while the matching operation occurs for addresses in a first (different) protocol layer.

Applicant believes that such comments above establish at least one claimed element that is not disclosed or suggested in the Slemmer reference. Hence, the Applicant is disclosing at least one point of novelty that Claim 1 has over the Slemmer reference.

Examiner, in the previous office action stated that, "IP addresses being compared and the foreign IP addresses being replaced are in a different layer, see lines 44 to 47 of col. 3 in Slemmer". Applicant disagrees with the Examiner's conclusion that Slemmer discloses or suggests this feature.

The section that the Examiner points out in Slemmer discloses:

"Communications on the network take places under a layered protocol with one layer governing communication between hardware network adaptors that connect various computers to network 20."

This section does not disclose or suggest, "redirecting a payload of said received IP packet from an Internet network to said local network in response to said address match by;

substituting a second protocol layer address, in a packet of said packetized data, for a received second protocol layer destination address corresponding to a destination accessed on said local network, where both the second protocol layer address and the received second protocol layer destination address reside in a second protocol layer," as claimed in Claim 1.

The Examiner states that Slemmer teaches this because, "Slemmer replaced are in foreign class (different layer) and not in the same layer as the IP addresses received on the gateway (lines 20-28 of column 3)." In actuality, the term "foreign class" has nothing to do with IP or destination addresses located on different layers.

The Abstract of Slemmer states, "the server stores information identifying IP addresses in a foreign class corresponding to computers not configured for connection to the local area network". Hence, a foreign class is a computer is a computer that cannot connect to a local area network. This foreign class does not disclose or suggest that upon an IP address match in a first, that a second protocol layer address is replaced with a second protocol layer destination address, in a second layer.

Slemmer then describes an operation where upon the match of an IP address, server 12 replaces a, "destination IP address in the message with the foreign IP address," (see Slemmer, col 3, lines 20-28, and col. 5, lines 37-43). This replacement operation indicates that the Slemmer replaces the IP address located on one layer with an IP address in the same layer, which is not the same thing as disclosed in Claim 1.

Claim 6 claims, "redirecting a payload of said received IP packet using said second protocol layer (MAC) destination address to a device running an Application corresponding to said second protocol layer destination address". This claimed element is not disclosed or suggested in Slemmer, as there is no disclose or suggestion about the redirection of packets using destination addresses located on different layers, or such a destination corresponds to a device running an application.

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Applicant also submits that Claim 21 claims a step of, "redirecting a payload of a received IP packet destined for said intercepted domain name, wherein said redirecting step substitutes a different MAC layer address for a received MAC layer address," when a domain name matches a predetermined entry in a domain name database. In contrast, Slemmer discloses upon the match of an IP address, server 12 replaces a, "destination IP address in the message with the foreign IP address," (see Slemmer, col 3, lines 20-28, and col. 5, lines 37-43). This replacement operation indicates that the Slemmer replaces the IP address located on one layer with an IP address in the same layer. This is not the same as the claimed step of redirection in Claim 21.

For the reasons listed above, Applicant submits that Claims 1, 6, and 21 are patentable. Applicant also submits that Claims 2-5 and 24, Claims 7-16, and Claims 23-24 are patentable as such claims dependent on independent Claims 1, 6, and 21 respectively. Applicant requests the removal of the rejection to Claims 1-16, 21, and 23-24 for the reasons listed above.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application is in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Applicant requests a two-month extension in which to respond. The fee for the requested two-month extension is to be charged to deposit account 07-0832 Any other fees that are owed in connection with this response are to be charged to deposit account 07-0832.

Respectfully submitted,

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